

MD
9/24/03

PATENT APPLICATION

Stm/H/S
12/29/03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of:

KODAS et al.

Serial No.: 09/991,270

Filed: November 9, 2001

Confirmation No.: 4445

Atty. File No.: 41890-00960

For: "NICKEL POWDERS, METHODS
FOR PRODUCING POWDERS AND
DEVICES FABRICATED FROM
SAME"

) Group Art Unit: 1773

) Examiner:

) SUPPLEMENTAL SUBMISSION OF
) STATEMENT OF
) NON-INTEREST OF DOE
) (42 U.S.C. 2182)

RECEIVED
SEP 25 2002
LICENSING & REVIEW

CERTIFICATE OF MAILING	
I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO ASSISTANT COMMISSIONER FOR PATENTS, WASHINGTON, DC 20231 ON 09/18/02.	
MARSH, FISCHMANN & BREYFOGLE LLP	
BY: <i>[Signature]</i>	Lynn Little

Assistant Commissioner for Patents
Washington, D.C. 20231
Attn: LICENSING & REVIEW

Dear Sir:

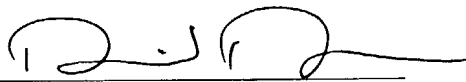
In response to the correspondence from Licensing and Review mailed July 26, 2002, Applicants submitted 3 Statements of Non-Interest of DOE pursuant to 42 U.S.C. 2182, which were executed by 3 of the 6 inventors (Kodas, Hampden-Smith and Caruso). A copy of this correspondence is attached in Appendix A. A Statement of Non-Interest of DOE was then received from one of the remaining 3 inventors (Skamser) and such statement was submitted. A copy of this correspondence is attached in Appendix B.

A Statement of Non-Interest of DOE has now been received from one of the remaining 2 inventors (Chandler) and such statement is attached in Appendix C.

If the Patent Office has any questions, please call the undersigned attorney at (303) 338-0997.

Respectfully submitted,

MARSH FISCHMANN & BREYFOGLE LLP

By: 

David F. Dockery, Esq.
Registration No. 34,323
3151 South Vaughn Way, Suite 411
Aurora, Colorado 80014
(303) 338-0997

Date: September 18, 2002

APPENDIX A

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of:

KODAS et al.

Serial No.: 09/991,270

Filed: November 9, 2001

Confirmation No.: 4445

Atty. File No.: 41890-00960

For: "NICKEL POWDERS, METHODS
FOR PRODUCING POWDERS AND
DEVICES FABRICATED FROM
SAME"

) Group Art Unit: 1773

) Examiner:

) SUBMISSION OF STATEMENT OF
) NON-INTEREST OF DOE
) (42 U.S.C. 2182)

<p style="text-align: center;">CERTIFICATE OF MAILING</p> <p>I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO ASSISTANT COMMISSIONER FOR PATENTS, WASHINGTON, DC 20231 ON <u>09/09/02</u>.</p> <p style="text-align: right;">MARSH FISCHMANN & BREYFOGLE LLP</p> <p>BY: <u>[Signature]</u></p>
--

Assistant Commissioner for Patents
Washington, D.C. 20231
Attn: LICENSING & REVIEW

Dear Sir:

In response to the correspondence from Licensing and Review mailed July 26, 2002 (copy attached), enclosed please find 3 Statements of Non-Interest of DOE pursuant to 42 U.S.C. 2182, which have been executed by 3 of the 6 inventors (Kodas, Hampden-Smith and Caruso). A Statement of Non-Interest of DOE has been sent to the remaining 3 inventors (Chandler, Powell and Skamser) at their last known address by first class mail, but to date no response has been received.

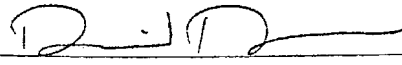
If the Patent Office has any questions, please call the undersigned attorney at (303) 338-0997.

RECEIVED
SEP 25 2002
LICENSING & REVIEW

Respectfully submitted,

MARSH FISCHMANN & BREYFOGLE LLP

By:



David F. Dockery, Esq.

Registration No. 34,323

3151 South Vaughn Way, Suite 411

Aurora, Colorado 80014

(303) 338-0997

Date: September 9, 2002

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of:

KODAS et al.

Serial No.: 09/991,270

Filed: November 9, 2001

Confirmation No.: 4445

Atty. File No.: 41890-00960

For: "NICKEL POWDERS, METHODS
FOR PRODUCING POWDERS AND
DEVICES FABRICATED FROM
SAME"

) - Group Art Unit: 1773

) Examiner:

) STATEMENT OF NON-INTEREST

) OF DOE

) (42 U.S.C. 2182)

<p style="text-align: center;">CERTIFICATE OF MAILING</p> <p>I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO ASSISTANT COMMISSIONER FOR PATENTS, WASHINGTON, DC 20231 ON <u>09/27/02</u></p> <p style="text-align: right;">MARSH FISCHMANN & BREYFOGLE LLP</p> <p>BY: <u>[Signature]</u></p>

Assistant Commissioner for Patents
Washington, D.C. 20231
Attention: LICENSING AND REVIEW

RECEIVED
SEP 25 2002
LICENSING & REVIEW

Dear Sir:

In response to the request for a statement under 42 U.S.C. 2182, having a mailing date of July 26, 2002, the undersigned declare as follows:

We, Toivo T. Kodas, a United States citizen residing at 11102 San Rafael Drive NE, Albuquerque, New Mexico 87122; Mark J. Hampden-Smith, a U.K. citizen residing at 2901 Maximillian NW, Albuquerque, New Mexico 87131; James Caruso, a United States citizen residing at 7721 Cedar Canyon Court NE, Albuquerque, New Mexico 87122; Quint H. Powell, a United States citizen residing at 14336 Grand Avenue NE, Albuquerque, New Mexico 87123; Clive D. Chandler, an Australian citizen residing at 2933 NE 14th Avenue, Portland, Oregon 97212; and Daniel J. Skamser, a United States citizen residing at 303 Snap Creek Court, Simpsonville, SC 29681, declare:

That we made and conceived the invention described and claimed in divisional Patent Application Serial No. 09/991,270 filed in the United States of America on November 9, 2001,

entitled "NICKEL POWDERS, METHODS FOR PRODUCING POWDERS AND DEVICES FABRICATED FROM SAME";

That we made and conceived this invention while employed by Nanochem Research, Inc. a New Mexico corporation and the predecessor in interest to Superior MicroPowders LLC, a New Mexico corporation, having a principal place of business at 3740 Hawkins NE, Albuquerque, New Mexico 87109;

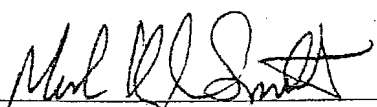
That the invention is related to work that we are employed to perform and was made within the scope of our employment duties;

That the invention was made during working hours and with the use of facilities, equipment, materials, information and services of said Nanochem Research, Inc.;

That to the best of our knowledge and belief, the invention was not made, conceived or first actually reduced to practice under, nor is there any relationship of the invention to the performance of any work under any contract of the Department of Energy.

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: 8-22-02

By: 
Mark J. Hampden-Smith
2901 Maximillian NW
Albuquerque, New Mexico 87131

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of:

KODAS et al.

Serial No.: 09/991,270

Filed: November 9, 2001

Confirmation No.: 4445

Atty. File No.: 41890-00960

For: "NICKEL POWDERS, METHODS
FOR PRODUCING POWDERS AND
DEVICES FABRICATED FROM
SAME"

) Group Art Unit: 1773

) Examiner:

) STATEMENT OF NON-INTEREST

) OF DOE

) (42 U.S.C. 2182)

<p>CERTIFICATE OF MAILING</p> <p>I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO ASSISTANT COMMISSIONER FOR PATENTS, WASHINGTON, DC 20231 ON <u>09/05/02</u></p> <p>MARSH FISCHMANN & BREYFOGLE LLP</p> <p>BY: <u>[Signature]</u></p>
--

Assistant Commissioner for Patents

Washington, D.C. 20231

Attention: LICENSING AND REVIEW

Dear Sir:

In response to the request for a statement under 42 U.S.C. 2182, having a mailing date of July 26, 2002, the undersigned declare as follows:

We, Toivo T. Kodas, a United States citizen residing at 11102 San Rafael Drive NE, Albuquerque, New Mexico 87122; Mark J. Hampden-Smith, a U.K. citizen residing at 2901 Maximillian NW, Albuquerque, New Mexico 87131; James Caruso, a United States citizen residing at 7721 Cedar Canyon Court NE, Albuquerque, New Mexico 87122; Quint H. Powell, a United States citizen residing at 14336 Grand Avenue NE, Albuquerque, New Mexico 87123; Clive D. Chandler, an Australian citizen residing at 2933 NE 14th Avenue, Portland, Oregon 97212; and Daniel J. Skamser, a United States citizen residing at 303 Snap Creek Court, Simpsonville, SC 29681, declare:

That we made and conceived the invention described and claimed in divisional Patent Application Serial No. 09/991,270 filed in the United States of America on November 9, 2001,

RECEIVED
SEP 25 2002
LICENSING & REVIEW

entitled "NICKEL POWDERS, METHODS FOR PRODUCING POWDERS AND DEVICES FABRICATED FROM SAME";

That we made and conceived this invention while employed by Nanochem Research, Inc. a New Mexico corporation and the predecessor in interest to Superior MicroPowders LLC, a New Mexico corporation, having a principal place of business at 3740 Hawkins NE, Albuquerque, New Mexico 87109;

That the invention is related to work that we are employed to perform and was made within the scope of our employment duties;

That the invention was made during working hours and with the use of facilities, equipment, materials, information and services of said Nanochem Research, Inc.;

That to the best of our knowledge and belief, the invention was not made, conceived or first actually reduced to practice under, nor is there any relationship of the invention to the performance of any work under any contract of the Department of Energy.

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: August 22, 2002

By: Toivo T. Kudas
Toivo T. Kudas
11102 San Rafael Drive NE
Albuquerque, New Mexico 87122

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of:

KODAS et al.

Serial No.: 09/991,270

Filed: November 9, 2001

Confirmation No.: 4445

Atty. File No.: 41890-00960

For: "NICKEL POWDERS, METHODS
FOR PRODUCING POWDERS AND
DEVICES FABRICATED FROM
SAME"

) Group Art Unit: 1773

) Examiner:

) STATEMENT OF NON-INTEREST

) OF DOE

) (42 U.S.C. 2182)

<p>CERTIFICATE OF MAILING</p> <p>I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO ASSISTANT COMMISSIONER FOR PATENTS, WASHINGTON, DC 20231 ON <u>09/09/02</u>.</p> <p>MARSH FISCHMANN & BREYFOGLE LLP</p> <p>BY: <u>[Signature]</u></p>

Assistant Commissioner for Patents

Washington, D.C. 20231

Attention: LICENSING AND REVIEW

Dear Sir:

In response to the request for a statement under 42 U.S.C. 2182, having a mailing date of July 26, 2002, the undersigned declare as follows:

We, Toivo T. Kodas, a United States citizen residing at 11102 San Rafael Drive NE, Albuquerque, New Mexico 87122; Mark J. Hampden-Smith, a U.K. citizen residing at 2901 Maximillian NW, Albuquerque, New Mexico 87131; James Caruso, a United States citizen residing at 7721 Cedar Canyon Court NE, Albuquerque, New Mexico 87122; Quint H. Powell, a United States citizen residing at 14336 Grand Avenue NE, Albuquerque, New Mexico 87123; Clive D. Chandler, an Australian citizen residing at 2933 NE 14th Avenue, Portland, Oregon 97212; and Daniel J. Skamser, a United States citizen residing at 303 Snap Creek Court, Simpsonville, SC 29681, declare:

That we made and conceived the invention described and claimed in divisional Patent Application Serial No. 09/991,270 filed in the United States of America on November 9, 2001,

entitled "NICKEL POWDERS, METHODS FOR PRODUCING POWDERS AND DEVICES FABRICATED FROM SAME";

That we made and conceived this invention while employed by Nanochem Research, Inc. a New Mexico corporation and the predecessor in interest to Superior MicroPowders LLC, a New Mexico corporation, having a principal place of business at 3740 Hawkins NE, Albuquerque, New Mexico 87109;

That the invention is related to work that we are employed to perform and was made within the scope of our employment duties;

That the invention was made during working hours and with the use of facilities, equipment, materials, information and services of said Nanochem Research, Inc.;

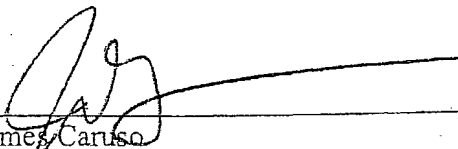
That to the best of our knowledge and belief, the invention was not made, conceived or first actually reduced to practice under, nor is there any relationship of the invention to the performance of any work under any contract of the Department of Energy.

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date:

8/22/02

By:



James Caruso

7721 Cedar Canyon Court NE
Albuquerque, New Mexico 87122

APPENDIX B

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of:

KODAS et al.

Serial No.: 09/991,270

Filed: November 9, 2001

Confirmation No.: 4445

Atty. File No.: 41890-00960

For: "NICKEL POWDERS, METHODS
FOR PRODUCING POWDERS AND
DEVICES FABRICATED FROM
SAME"

) Group Art Unit: 1773

) Examiner:

) STATEMENT OF NON-INTEREST

) OF DOE

) (42 U.S.C. 2182)

<p>CERTIFICATE OF MAILING</p> <p>I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO ASSISTANT COMMISSIONER FOR PATENTS, WASHINGTON, DC 20231 ON <u>9/10/02</u></p> <p>MARSH FISCHMANN & BREYFOGLE LLP</p> <p>BY: <u>[Signature]</u></p>

Assistant Commissioner for Patents
Washington, D.C. 20231
Attention: LICENSING AND REVIEW

Dear Sir:

In response to the request for a statement under 42 U.S.C. 2182, having a mailing date of July 26, 2002, the undersigned declare as follows:

We, Toivo T. Kodas, a United States citizen residing at 11102 San Rafael Drive NE, Albuquerque, New Mexico 87122; Mark J. Hampden-Smith, a U.K. citizen residing at 2901 Maximillian NW, Albuquerque, New Mexico 87131; James Caruso, a United States citizen residing at 7721 Cedar Canyon Court NE, Albuquerque, New Mexico 87122; Quint H. Powell, a United States citizen residing at 14336 Grand Avenue NE, Albuquerque, New Mexico 87123; Clive D. Chandler, an Australian citizen residing at 2933 NE 14th Avenue, Portland, Oregon 97212; and Daniel J. Skamser, a United States citizen residing at 303 Snap Creek Court, Simpsonville, SC 29681, declare:

That we made and conceived the invention described and claimed in divisional Patent Application Serial No. 09/991,270 filed in the United States of America on November 9, 2001,

entitled "NICKEL POWDERS, METHODS FOR PRODUCING POWDERS AND DEVICES FABRICATED FROM SAME";

That we made and conceived this invention while employed by Nanochem Research, Inc. a New Mexico corporation and the predecessor in interest to Superior MicroPowders LLC, a New Mexico corporation, having a principal place of business at 3740 Hawkins NE, Albuquerque, New Mexico 87109;

That the invention is related to work that we are employed to perform and was made within the scope of our employment duties;

That the invention was made during working hours and with the use of facilities, equipment, materials, information and services of said Nanochem Research, Inc.;

That to the best of our knowledge and belief, the invention was not made, conceived or first actually reduced to practice under, nor is there any relationship of the invention to the performance of any work under any contract of the Department of Energy.

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date:

8/31/02

By:

Daniel J. Skamser

Daniel J. Skamser

303 Snap Creek Court

Simpsonville, South Carolina 29681

APPENDIX C

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of:

KODAS et al.

Serial No.: 09/991,270

Filed: November 9, 2001

Confirmation No.: 4445

Atty. File No.: 41890-00960

For: "NICKEL POWDERS, METHODS
FOR PRODUCING POWDERS AND
DEVICES FABRICATED FROM
SAME"

) Group Art Unit: 1773

) Examiner:

) STATEMENT OF NON-INTEREST

) OF DOE

) (42 U.S.C. 2182)

CERTIFICATE OF MAILING
I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO ASSISTANT COMMISSIONER FOR PATENTS, WASHINGTON, DC 20231 ON <u>09/18/02</u>
MARSH FISCHMANN & BREYFOGLE LLP
BY <u>[Signature]</u>

Assistant Commissioner for Patents
Washington, D.C. 20231
Attention: LICENSING AND REVIEW

Dear Sir:

In response to the request for a statement under 42 U.S.C. 2182, having a mailing date of July 26, 2002, the undersigned declare as follows:

We, Toivo T. Kodas, a United States citizen residing at 11102 San Rafael Drive NE, Albuquerque, New Mexico 87122; Mark J. Hampden-Smith, a U.K. citizen residing at 2901 Maximillian NW, Albuquerque, New Mexico 87131; James Caruso, a United States citizen residing at 7721 Cedar Canyon Court NE, Albuquerque, New Mexico 87122; Quint H. Powell, a United States citizen residing at 14336 Grand Avenue NE, Albuquerque, New Mexico 87123; Clive D. Chandler, an Australian citizen residing at 2933 NE 14th Avenue, Portland, Oregon 97212; and Daniel J. Skamser, a United States citizen residing at 303 Snap Creek Court, Simpsonville, SC 29681, declare:

That we made and conceived the invention described and claimed in divisional Patent Application Serial No. 09/991,270 filed in the United States of America on November 9, 2001,

entitled "NICKEL POWDERS, METHODS FOR PRODUCING POWDERS AND DEVICES FABRICATED FROM SAME";

That we made and conceived this invention while employed by Nanochem Research, Inc. a New Mexico corporation and the predecessor in interest to Superior MicroPowders LLC, a New Mexico corporation, having a principal place of business at 3740 Hawkins NE, Albuquerque, New Mexico 87109;


That the invention is related to work that we are employed to perform and was made within the scope of our employment duties;

That the invention was made during working hours and with the use of facilities, equipment, materials, information and services of said Nanochem Research, Inc.;

That to the best of our knowledge and belief, the invention was not made, conceived or first actually reduced to practice under, nor is there any relationship of the invention to the performance of any work under any contract of the Department of Energy.

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: SEP 6 2002

By: 
Clive D. Chandler
2933 NE 14th Avenue
Portland, Oregon 97212

RECEIVED
SEP 24 2002
USPTO MAIL CENTER

MARSH FISCHMANN & BREYFOGLE LLP
Attorneys at Law

3151 South Vaughn Way, Suite 411
Aurora, Colorado 80014

COMMISSIONER OF PATENTS
AND TRADEMARKS
WASHINGTON, D.C. 20231

Attn: LICENSING & REVIEW

